

Theresa M. Gillis (TG-2036)
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*Attorneys for Defendant
The Timken Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GEORGE EDWARD McCAIN,

Plaintiff,

V.

RAHAL LETTERMAN RACING LLC, at
al.

Defendants.

Civil Action No. 07-CV-5729

NOTICE OF MOTION

PLEASE TAKE NOTICE that, based upon the accompanying Memorandum in Support and supporting Declaration of Scott Scherff, which are incorporated herein by reference, Defendant The Timken Company will and hereby does move this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rules 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure dismissing Count Twenty-Eight of the plaintiff's complaint because this Court lacks personal jurisdiction over The Timken Company and because venue over The Timken Company is improper and granting such other and further relief as the Court deems just and proper.

At the status conference held July 24, 2007, the Court set the following schedule:

Moving papers due: July 31, 2007

Opposition papers due: August 8, 2007
Reply papers due: August 15, 2007
Oral argument August 17, 2007, 2:00 p.m. in Courtroom 14B

Dated: New York, New York
July 31, 2007

By /s/ Theresa M. Gillis
Theresa M. Gillis (TG-2036)
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The Timken Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *NOTICE OF MOTION* was served on July 31, 2007, by electronic filing on all parties so registered and via overnight courier as set forth below:

<p>John Anthony Pelosi (JAP-9066) PELOSI, WOLF, EFFRON & SPATES, LLP Woolworth Building, 233 Broadway 22nd Floor New York, New York 10279</p> <p><i>Counsel for Plaintiff George Edward McCain</i></p>	<p>Richard E. Haftel HAFTEL & SILVERMAN, P.C. 260 Madison Avenue, 18th Floor New York, NY 10016</p> <p>David J. Pasternak John W. Patton, Jr. PASTERNAK, PASTERNAK & PATTON A Law Corporation 1875 Century Park East, Suite 2200 Los Angeles, CA 90067</p> <p>H. Ritchey Hollenbaugh CARLILE PATCHEN AND MURPHY, LLP 366 East Broad Street Columbus, OH 43215</p> <p><i>Counsel for Defendant Rahal Letterman Racing LLC and Bobby Rahal Automotive Group</i></p>
<p>Andrew B. Lachow Deputy General Counsel Time, Inc. Time & Life Building 1271 Avenue of the Americas New York, New York 10020-1393</p> <p><i>Counsel for Defendants Time, Inc. d/b/a Sports Illustrated & People Magazine</i></p>	<p>Karen Bekker Mark Fowler SATTERLEE STEPHENS BURKE & BURKE LLP 230 Park Avenue New York, NY 10169</p> <p><i>Counsel for Defendant Gannett Co., Inc. d/b/a USA Today</i></p>

<p>H. Rowan Gaither, IV Reema S. Abdelhamid RICHARDS KIBBE & ORBE, LLP One World Financial Center New York, New York 10281-2702</p> <p>Michael H. Gottschlich BARNES & THORNBURG LLP 11 South Meridian Street Indianapolis, Indiana 46204-3535</p> <p><i>Counsel for Defendant Table Moose Media LLC d/b/a Indy Men's Magazine</i></p>	<p>Margaret A. Dale PROSKAUER ROSE LLP 1585 Broadway New York, New York 10036-8299</p> <p><i>Counsel for Defendant American Honda Motor Co., Inc.</i></p>
<p>George Cacoulidis Attorney at Law 590 Madison Avenue 21st Floor New York, New York 10022</p> <p><i>Counsel for Defendant American LeMans Series LLC</i></p>	<p>Jason M. Gonder MILBANK, TWEED, HADLEY & MCCLOY LLP One Chase Manhattan Plaza New York, New York</p> <p><i>Counsel for Defendant BEA Systems, Inc.</i></p>
<p>James Rosenfeld DAVIS, WRIGHT, TERMAINE LLP 1633 Broadway New York, New York 10019-6708</p> <p><i>Counsel for Defendant Gawker Media LLC</i></p>	<p>Richard Sotot HUNTON & WILLIAMS LLP 20 Park Avenue New York, New York 10166-0136</p> <p><i>Counsel for Defendant Times Publishing Company d/b/a St. Petersburg Times</i></p>

	<p>Carl E. Person Carl E. Person - An Individual Practitioner 325 W. 45th St. - Suite 201 New York, NY 10036</p> <p><i>Counsel for Defendant</i> <i>Ellen Emerson d/b/a Hondabeat.com</i></p>
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/s/Theresa M. Gillis
Theresa M. Gillis (TG-2036)

Dated: New York, New York
July 31, 2007